

BS02301 CON 2

U.S. Application No. 10/717,892 Examiner Ramos Feliciano, Eliseo, Art Unit 2687  
Response to 16 NOV 2005 Final Office Action

### **REMARKS**

The United States Patent and Trademark Office (the "Office") rejected claims 1-8, 10-14, 16, and 18-19 under 35 U.S.C. § 103 (a) as being unpatentable over U.S. Patent 6,775,546 to Fuller in view of U.S. Patent 6,195,422 to Jones *et al.* Claims 9, 15, and 17 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over Fuller in view of Jones and further in view of Published U.S. Patent Application 2003/0050100 to Dent. The Assignee, however, respectfully requests reconsideration and shows that the pending claims already distinguish over Fuller, Jones, and Dent. The Assignee, then, respectively submits that the pending claims 1-19 are patentably distinguishable over the cited documents.

#### **Rejection of Claims 1-8, 10-14, 16, and 18-19 Under 35 U.S.C. § 103**

Claims 1-8, 10-14, 16, and 18-19 under 35 U.S.C. § 103 (a) as being unpatentable over U.S. Patent 6,775,546 to Fuller in view of U.S. Patent 6,195,422 to Jones *et al.* If the Office wishes to establish a *prima facie* case of obviousness, three criteria must be met: 1) combining prior art requires "some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill"; 2) there must be a reasonable expectation of success; and 3) all the claimed limitations must be taught or suggested by the prior art. DEPARTMENT OF COMMERCE, MANUAL OF PATENT EXAMINING PROCEDURE, § 2143 (orig. 8<sup>th</sup> Edition) (hereinafter "M.P.E.P."). Because the proposed combination of Fuller and Jones fails to teach or suggest all the features of the independent claims, the *prima facie* case of obviousness must fail. The Office is thus required to remove the § 103 (a) rejection.

The pending claims are not obvious. All the pending claims recite features for providing intelligent services to a call. The call originates from a native transport network and is directed to a virtual telephone number in a service-providing network. The service-providing network provides intelligent services to the call and then routes the call to a separate native transport

BS02301 CON 2

U.S. Application No. 10/717,892 Examiner Ramos Feliciano, Eliseo, Art Unit 2687  
Response to 16 NOV 2005 Final Office Action

network. As the call traverses the service-providing network, a duration of the call is monitored. Independent claim 1 is reproduced below, and independent claim 11 recites similar features.

1. (Previously Presented) A method for monitoring telecommunications usage, comprising:
  - receiving a call directed to a virtual telephone number in a service-providing network, the service-providing network providing intelligent services to said call;
  - routing said call to a separate native transport network from which said call originates; and
  - monitoring a duration of said call traversing the service-providing network.

The proposed combination of *Fuller* and *Jones* fails to describe such features. *Fuller* and *Jones*, whether independently or jointly, fail to teach or suggest a "service-providing network" and a "separate native transport network." The Office interprets *Fuller* as disclosing two separate networks, but the textual evidence does not support the interpretation. The Office, for example, interprets the base station controller (BSC), the base station, and the mobile handset (respectively shown in FIG. 2 of *Fuller* as reference numerals 47, 30, and 21) as a wireless network. The Office also interprets a calling party's terminal, a gateway mobile switching center, a service control point, and a home location register (respectively shown in FIG. 2 of *Fuller* as reference numerals 41, 42, 43, and 44) as a separate wireline network.

The evidence, however, does not support the Office's interpretation. *Fuller* clearly describes all the components shown in FIG. 2 as a cellular telephone system. That is, *Fuller* only discloses a single network. *Fuller* fails to teach or suggest a "service-providing network" and a "separate native transport network." As *Fuller* explains, "[f]irst it is necessary to describe the basic layout of a typical cellular telephone system." U.S. Patent 6,775,546 to Fuller (Aug. 10, 2004) at column 5, lines 9-10. "FIG. 2 illustrates the components of the network architecture supporting this system." *Id.* at column 5, lines 12-13. **"Connection with other networks, and ultimately from the calling party 41, is made through a "Gateway Mobile Switching Centre" (GMSC) 42."** *Id.* at column 5, lines 13-15 (emphasis added).

BS02301 CON 2

U.S. Application No. 10/717,892 Examiner Ramos Feliciano, Eliseo, Art Unit 2687  
Response to 16 NOV 2005 Final Office Action

The proposed combination of *Fuller* and *Jones*, then, does not support the Office's interpretation. *Fuller* describes all the componentry of FIG. 2 as a single cellular network. *Fuller* and *Jones*, then, fails to teach or suggest "*receiving a call directed to a virtual telephone number in a service-providing network, the service-providing network providing intelligent services to said call.*" The patents to *Fuller* and *Jones* also fail to teach or suggest "*routing said call to a separate native transport network from which said call originates.*" Because *Fuller* and *Jones* is silent to at least these features, one of ordinary skill in the art, then, would not consider the pending claims obvious in view of *Fuller* and *Jones*. The proposed combination of *Fuller* and *Jones*, then, cannot obviate the pending claims, so the *prima facie* case for obviousness must fail. The Office is thus required to remove the rejection.

The dependent claims are, likewise, not obviated. Because the dependent claims incorporate the same distinguishing features, the *prima facie* case for obviousness of any dependent claims must also fail. The Office is again required to remove the rejection.

**Rejection of Claims 9, 15 & 17 Under 35 U.S.C. § 103**

Claims 9, 15, and 17 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over *Fuller* in view of *Jones* and further in view of Published U.S. Patent Application 2003/0050190 to Dent. The proposed combination of *Fuller*, *Jones*, and *Dent*, however, still fails to describe "*receiving a call directed to a virtual telephone number in a service-providing network, the service-providing network providing intelligent services to said call.*" The patents to *Fuller*, *Jones*, and *Dent* also fail to teach or suggest "*routing said call to a separate native transport network from which said call originates.*" One of ordinary skill in the art, then, would not consider the pending claims obvious, so the *prima facie* case for obviousness must fail. The Office is thus required to remove the rejection.

BS02301 CON 2

U.S. Application No. 10/717,892 Examiner Ramos Feliciano, Eliseo, Art Unit 2687  
Response to 16 NOV 2005 Final Office Action

If any issues remain outstanding, the Office is requested to contact the undersigned at  
(919) 387-6907 or [scott@wzpatents.com](mailto:scott@wzpatents.com).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Scott P. Zimmerman', with a stylized flourish at the end.

Scott P. Zimmerman  
Attorney for the Assignee  
Reg. No. 41,390